	Case 06-10725-gwz Doc 4817 Entere	d 09/19/07 12:56:21 Page 1 of 3
	LEWIS	
	ROCA	
	LAWYERS	E-Filed on 9/19/07
1	3993 Howard Hughes Parkway, Suite 600 Las Vegas, NV 89169-5996	
2	Facsimile (702) 949-8321 Telephone (702) 949-8320	
3	Susan M. Freeman AZ State Bar No. 004199	
4	Email: sfreeman@Irlaw.com Rob Charles NV State Bar No. 006593 Email: rcharles@Irlaw.com	
5	Attorneys for USACM Liquidating Trust	
6		
7	UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA	
8	In re:	Case No. BK-S-06-10725-LBR
9		Case No. BK-S-06-10726-LBR Case No. BK-S-06-10727-LBR Case No. BK-S-06-10728-LBR Case No. BK-S-06-10729-LBR
10	USA COMMERCIAL MORTGAGE COMPANY,	
11	USA CAPITAL REALTY ADVISORS, LLC,	CHAPTER 11
12	USA CAPITAL DIVERSIFIED TRUST	Jointly Administered Under Case No. BK-S-06-10725 LBR
13	DEED FUND, LLC,	
14	USA CAPITAL FIRST TRUST DEED FUND, LLC,	STIPULATION RE PROOF OF CLAIM OF MUSSO LIVING TRUST LISTED IN THIRTY-FIFTH
15	USA SECURITIES, LLC,	OMNIBUS OBJECTION TO
16	Debtors.	PROOFS OF CLAIM FILED AS SECURED
17	Affects: □All Debtors ☑ USA Commercial Mortgage Company □ USA Capital Realty Advisors, LLC	Hearing Date: September 28, 2007 Hearing Time: 1:30 p.m.
18		
19	☐ USA Capital Diversified Trust Deed Fund, LLC	
20	☐ USA Capital First Trust Deed Fund, LLC☐ USA Securities, LLC	
21		
22	The USACM Liquidating Trust (the "USACM Trust"), by and through its	
23	undersigned counsel, and Walter and Barbara Musso, Trustees of the Musso Living Trust	
24	dated 11/30/92 (the "Musso Living Trust"), stipulate:	
25		
26		

LAWYERS

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- 2. On August 22, 2007, the USACM Trust filed its Thirty-Fifth Omnibus Objection to Proofs of Claim filed as Secured [DE 4615] objecting to the secured status of Claim No. 10725-02353 filed by the Musso Living Trust, arguing that the proof of claim is not entitled to secured status and requested that the claim be reclassified as a general unsecured claim.
 - 3. The objection is scheduled for hearing on September 28, 2007 at 1:30 p.m.
- 4. On August 31, 2007, Walter Musso, Trustee of the Musso Living Trust contacted counsel for the Trust. Upon being provided additional information, the Musso Living Trust concedes that the claim is not properly classified as a secured claim, and therefore stipulates to the granting of the Objection as to the claim and reclassifying the claim as one unsecured claim in the amount of \$623,004.79, without prejudice to additional objections at a later date.
- 5. The parties agree that the hearing on the Objection to the Musso Living Trust proof of claim scheduled for September 28, 2007, may be vacated.
- 6. The USACM Trust reserves the right to further object to the claim, for allowance and or distribution purposes on other grounds.
- 7. A proposed form of order approving the stipulation and sustaining the objection is being submitted for the Court's consideration.

DATED: September 19, 2007.

LEWIS AND ROCA LLP

By: /s/ RC (#6593) Susan M. Freeman, AZ 4199 (pro hac vice) Rob Charles, NV 6593 Counsel for USACM Liquidating Trust

Case 06-10725-gwz Doc 4817 Entered 09/19/07 12:56:21 Page 3 of 3 ROCALAWYERS -and-Walter Musso, Trustee of the Musso Living Trust Dated 11/30/92 Barliara Musio trustee Barbara Musso, Trustee of the Musso Living Trust Dated 11/30/92